

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2103

IN THE MATTER OF:

Served April 29, 1980

Application of ROBERT COATES T/A)
ROBERT COATES LIMOUSINE SERVICE)
for a Certificate of Public)
Convenience and Necessity)
to Perform Non-Emergency Medical)
Transportation)

Case No. AP-80-05

Application of ROBERT COATES)
T/A ROBERT COATES LIMOUSINE)
SERVICE for Temporary Authority)
to Perform Non-Emergency Medical)
Transportation)

Case No. AP-80-10

The application for a certificate of public convenience and necessity in Case No. AP-80-05 was scheduled for public hearing on April 2, 1980. See Order No. 2085, served February 28, 1980. Specific provisions of that order required applicant to deliver to the Commission certain financial data and the sum assessed for the hearing no later than March 26, 1980. As of April 1, 1980, these requirements were not met, and the hearing was cancelled. Subsequent to the time set for the public hearing applicant delivered the assessment and the financial data.

In a related proceeding, Robert Coates trading as Robert Coates Limousine Service filed an application for temporary authority in Case No. AP-80-10, on March 21, 1980, seeking to provide the same transportation service sought in Case No. AP-80-05. */ Applicant proposes to provide the temporary authority service on an on-call basis using two 12-passenger vans and two 8-door stretch sedans. The proposed charge is \$.65 per mile per vehicle.

*/ Applicant seeks to transport elderly and handicapped passengers, together with their baggage in the same vehicle with passengers, in special operations over irregular routes, between points in Prince George's County, Md., and between points in Prince George's County, Md., on the one hand, and, on the other, points in the Metropolitan District.

In support of the request for temporary authority Coates states that he has been providing a transportation service for outpatients of the Prince George's County Health Department and only recently learned of the need for Commission certification. By affidavit filed April 21, 1980, the chief of the Health Department's Division of Clinic Support states that Coates has been transporting Maryland medical assistance patients residing in Prince George's County between their homes and the Mid-Atlantic Nephrology Center, Ltd., in Camp Springs, Md., since September 1977. Coates is presently transporting each of 26 patients three times a week to the Center for dialysis treatment on a fixed schedule. All but one of the patients are ambulatory. The supporting affiant asserts that applicant is a dependable provider of transportation.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission grant temporary authority where ". . . there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need." Such circumstances exist in this case. There is unquestionably an immediate and urgent need for the service. The description of the service now being performed, albeit without authority, appears to be a charter arrangement, transporting primarily ambulatory patients in need of medical treatment. Those carriers presently certificated by the Commission to provide non-emergency medical service render special operations service and those carriers possessing charter authority are not experienced in performing service for persons in need of medical treatment.

The grant of temporary authority will be limited to those persons in need of non-emergency medical treatment between points in Prince George's County, Md., on the one hand, and, on the other, the Mid-Atlantic Nephrology Center, Ltd., in conformance with the evidence of record. The proposed tariff rate of \$.65 per mile per vehicle will be approved as a charter rate per loaded mile, irrespective of the number of passengers carried. Applicant will be directed to cease and desist from rendering passenger transportation for hire between points solely in the Metropolitan District other than the service approved in this order and is admonished that performance of any service for compensation within the Commission's jurisdiction, other than the temporary authority granted herein, may impact adversely on applicant's compliance fitness and his requests for WMATC authority.

THEREFORE, IT IS ORDERED:


1. That the public hearing scheduled in Case No. AP-80-05 for April 2, 1980, is hereby rescheduled to commence on Monday, May 5, 1980, at 9:30 a.m.

2. That applicant is hereby granted temporary authority to transport persons in need of non-emergency medical treatment, in charter operations, between points in Prince George's County, Md., on the one hand, and, on the other, the Mid-Atlantic Nephrology Center, Ltd., Camp Springs, Md., said temporary authority to be effective on the date of service hereof and to remain in effect until Sunday, October 21, 1980, unless otherwise ordered by the Commission.

3. That applicant is hereby directed to identify his motor vehicles in the manner prescribed by Commission Regulation 68-03 by displaying on the front of each motor vehicle operated pursuant to this temporary authority a sign bearing the notation "WMATC TA expires 10/21/80" in letters and figures in sharp color contrast to the background and of such size, shape and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and is further directed to file an affidavit showing that such identification has been accomplished no later than Friday, May 2, 1980.

4. That applicant is hereby directed to cease and desist from rendering passenger transportation for hire between points solely in the Metropolitan District other than that authorized by the temporary authority granted herein, unless and until such transportation is authorized by the Commission.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director